

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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ROBERT WALKER, 81A5460,

Plaintiff,

U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER

-v-

DECISION AND ORDER
05-CV-0418A(F)

MICHAEL MCGINNIS, Superintendent of
Southport Correctional Facility;
NURSE WEAVER, Southport Corr. Facility;
NURSE DOHL, Southport Corr. Facility;
PAUCHSE, C. O. a/k/a THOMPSON-WILLIAMS;
DR. SILVERBERG, Great Meadow Corr. Facility;
SGT. BROWN, Great Meadow Corr. Facility;
and P.A. NURSE "TED";

Defendants.

INTRODUCTION

Plaintiff *pro se* Robert Walker has filed a Second Amended Complaint and that pleading has been reviewed pursuant to 28 U.S.C. § 1915. For the reasons discussed below, plaintiffs medical claims may go forward and the claims against defendant Pausche a/k/a Thompson-Williams and defendant Brown are dismissed.

DISCUSSION

Plaintiff was allowed to amend his complaint to state claims that complied with both 28 U.S.C. § 1915 and Rule 8 of the Federal Rules of Civil Procedure. Plaintiff has stated answerable claims as to his medical concerns. However, despite having been granted an opportunity to clearly state what he alleges against defendants Pausche and Brown, his allegations against them remain so vague, confusing and lacking in specific facts as to be unreviewable and unanswerable and they fail to state a claim. Plaintiff's claims against

defendants Pausche and Brown are, therefore dismissed, and the remaining claims may go forward.

CONCLUSION

Because plaintiff has stated claims for denial of adequate medical care, those claims may go forward. For the reasons set forth above, plaintiff's claims against defendants Pausche and Brown must be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) and the U.S. Marshal is directed to serve the summons and complaint on the remaining defendants .

ORDER

IT HEREBY IS ORDERED, that plaintiff's claims against defendants Pausche and Brown are dismissed;

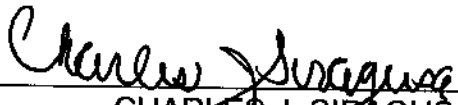
FURTHER, that the Clerk of the Court is directed to terminate defendants Pausche and Brown as parties to this action;

FURTHER, that the Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Second Amended Complaint, and this Order upon the remaining defendant without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor;

FURTHER, that pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated: Nov. 28, 2005
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge